

EXHIBIT D

**SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK**

In the Matter of:

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

ALTERRA AMERICA INSURANCE CO.,

Plaintiff,

v.

NATIONAL FOOTBALL LEAGUE, et. al.

Defendant.

Index No. 652813/2012 **E**

Hon. Andrea Masley

DISCOVER PROPERTY & CASUALTY
COMPANY, et al.,

Plaintiffs,

v.

NATIONAL FOOTBALL LEAGUE, et al.,

Defendants.

Index No. 652933/2012 **E**

Hon. Andrea Masley

**NON-PARTY NEW YORK FOOTBALL GIANTS, INC.'S OBJECTIONS AND
RESPONSES TO PLAINTIFFS' NON-PARTY SUBPOENAS**

Pursuant to Rule 3122 of the New York Civil Practice Law and Rules ("N.Y. CPLR"), the New York Football Giants, Inc. (the "Non-Party Club") hereby objects to the subpoena issued by Plaintiffs in the above-captioned matter (the "Action") that was served on the Non-

Party Club on or about August 21, 2017 (the “Subpoena”), which contained document requests (the “Requests”).¹

GENERAL OBJECTIONS

The Non-Party Club asserts the following General Objections, which are incorporated into and deemed a part of the Specific Responses set forth below.

1. The Non-Party Club objects to the Subpoena because it does not comply with New York CPLR § 3101(a)(4), which requires that a statement of relevance accompany a subpoena to a non-party. The Non-Party Club is not withholding any information on the basis of this objection, but reserves all of its rights to oppose enforcement of the Subpoena on the basis of this objection.

2. The Non-Party Club objects to the Subpoena, and each and every Request, to the extent that it calls for production of information or documents protected from disclosure by the attorney-client privilege, the work product doctrine, joint-defense privilege, common-interest privilege, or any other applicable privilege or protection. To the extent the Non-Party Club retrieves and reviews documents for production that it deems responsive to the Subpoena, as limited by its objections, but subject to an applicable privilege, it will log such documents in a form to be negotiated by the Non-Party Club and Plaintiffs.

3. The Non-Party Club objects to the Subpoena to the extent it seeks information or documents that constitute commercial, proprietary or sensitive information. To the extent the Non-Party Club retrieves and reviews documents that it deems responsive to the Subpoena, as

¹ These objections and responses are timely served pursuant to an agreement between Plaintiffs’ counsel and the Non-Party Club’s counsel permitting the Non-Party Club to serve its objections and responses by November 15, 2017 without waiver of any of its rights under the applicable laws.

limited by its objections, it will produce such documents only after Plaintiffs and the Non-Party Club have entered into an agreed upon Protective Order.

4. The Non-Party Club objects to the Subpoena to the extent that it imposes a burden on the Non-Party Club to produce documents that the Non-Party Club cannot locate in the course of a reasonable search of files that it maintains in its ordinary course of business.

5. The Non-Party Club objects to the Subpoena to the extent that the Requests do not contain any temporal limitation whatsoever and thus imposes an unreasonable burden and expense on a non-party. To the extent the Non-Party Club retrieves and reviews documents that it deems responsive to the Subpoena, it will only produce documents that came into the Non-Party Club's possession prior to July 19, 2011, unless specifically indicated otherwise in these following responses or separately agreed by the parties.

6. The Non-Party Club objects to the Subpoena, and each and every Request, because compliance with the Subpoena creates significant expense for the Non-Party Club and, therefore, to the extent compliance is required, Plaintiffs should bear the cost of production incurred by the Non-Party Club to comply with the Subpoena. *See* N.Y. CPLR §§ 3111, 3122(d).

7. The Non-Party Club's responses and objections shall not be deemed to be a representation or admission that any particular document or information exists, is relevant, non-privileged, or admissible in evidence; or that any statement or characterization in the Subpoena is accurate or complete.

8. The Non-Party Club objects to the Subpoena to the extent that it is identical to subpoenas served on other non-party clubs in this Action and thus is duplicative and exposes multiple non-parties to the same extraordinary expense and burden. By issuing identical

subpoenas to multiple non-parties, Plaintiffs have failed to take reasonable steps to avoid imposing undue burden and financial hardship on non-parties.

9. The Non-Party Club objects to the Subpoena to the extent that it is inconsistent with or purports to impose obligations beyond those required by the laws or rule of the state of New York or any other state or local laws or rules applicable to this Action.

10. The Non-Party Club reserves the right to supplement with additional objections or responses as necessary and to make all appropriate objections at any hearing related to this Subpoena.

11. The Non-Party Club, through its counsel, is willing to meet and confer regarding its responses and objections to the Requests herein.

OBJECTIONS TO DEFINITIONS AND INSTRUCTIONS

1. The Non-Party Club objects to the definitions of “Communication” and “Document” to the extent that they require the production of data that are not reasonably accessible, including archived material and databases that cannot reasonably be searched or reproduced on the grounds that such requirements impose an expensive and time-consuming burden on the Non-Party Club and are thus overbroad, harassing, unduly burdensome, and oppressive.

2. The Non-Party Club objects to the definition of “Relating,” “relate to,” “refer to,” “reflecting,” “concerning,” or “concern” as so vague and extraordinarily overbroad as to be incapable of reasonable interpretation and thus unduly burdensome.

3. The Non-Party Club objects to the definition of “NFL” as overbroad and unduly burdensome, especially to the extent that the Requests seek communications with the “NFL” which is defined in the Subpoena as including any number of affiliated persons and entities. The

Non-Party Club interprets the term “NFL” to mean only the defendants listed in this Action and uses that definition of the term in its responses and objections herein.

4. The Non-Party Club objects to the definition of “MTBI Committee” as vague, overbroad and unduly burdensome to the extent that it is defined in the Subpoena as “the full committee and/or any subset of any members or an individual member, and shall be construed in these Document Requests to be as inclusive and broad in scope as possible.” The Non-Party Club interprets the term “MTBI Committee” to mean the committee bearing that name and any individual member of that committee that is acting solely in his or her capacity as a member of that committee and uses that definition of the term in its responses and objections herein.

5. The Non-Party Club objects to the definition of “Head, Neck and Spine Committee” as vague, overbroad and unduly burdensome to the extent that it is defined in the Subpoena as “the full committee and/or any subset of any members or an individual member, and shall be construed in these Document Requests to be as inclusive and broad in scope as possible.” The Non-Party Club interprets the term “Head, Neck and Spine Committee” to mean the committee bearing that name and any individual member of that committee that is acting solely in his or her capacity as a member of that committee and uses that definition of the term in its responses and objections herein.

6. The Non-Party Club objects to the definition of “Injury and Safety Panel” as vague, overbroad and unduly burdensome to the extent that it is defined in the Subpoena as “the full committee and/or any subset of any members or an individual member, and shall be construed in these Document Requests to be as inclusive and broad in scope as possible.” The Non-Party Club interprets the term “Injury and Safety Panel” to mean the committee bearing that name and any individual member of that committee that is acting solely in his or her capacity as

a member of that committee and uses that definition of the term in its responses and objections herein.

7. The Non-Party Club objects to the definition of “Alleged Brain Injury” as vague, ambiguous and overbroad.

8. The Non-Party Club objects to the definition of “You” and “Your” to the extent the definition purports to seek production of documents from anyone other than the Non-Party Club or purports to seek production of documents that are not in the Non-Party Club’s possession, custody or control as overbroad, harassing, burdensome and outside the scope of what is required under state and local rules.

9. The Non-Party Club objects to Instruction No. 1 to the extent it purports to seek production of documents from anyone other than the Non-Party Club or purports to seek production of documents that are not in the Non-Party Club’s possession, custody or control as overbroad, harassing, burdensome and outside the scope of what is required under state and local rules.

10. The Non-Party Club objects to Instruction No. 3 as premature and unduly burdensome.

11. The Non-Party Club objects to Instruction No. 4 as unduly burdensome.

DOCUMENT REQUESTS

Request No. 1:

All Documents and Communications relating to any research or studies conducted by the Giants or the NFL related to Alleged Brain Injury, the long-term effects or risks of head trauma sustained in the play of football, and/or the potential relationship between head trauma and subsequent Alleged Brain Injury.

Response:

The Non-Party Club objects to this Request to the extent it seeks “[a]ll Documents and Communications relating to any research or studies conducted by . . . the NFL” because such documents may reasonably be expected to be in the custody of the NFL, which is a party to this Action. Plaintiffs should exhaust their discovery efforts with respect to the defendants and any other more convenient and less burdensome sources before they attempt to shift the burden to the Non-Party Club. Indeed, Plaintiffs have propounded discovery requests to defendants in this Action that purportedly cover the scope of this Request. The Non-Party Club will not produce documents responsive to that part of this Request on this ground.

The Non-Party Club also objects to this Request to the extent it seeks “[a]ll Documents and Communications relating to any research or studies conducted by the Giants” on the ground that information in the possession of the Non-Party Club, but not in the possession of the NFL, is not reasonably related to claims or defenses asserted in this Action. To the extent this Request seeks such information, it amounts to nothing more than a fishing expedition designed to harass and impose significant expense and burden on a non-party.

In addition, in seeking “[a]ll Documents and Communications” on this subject from an unlimited time period, this Request is overbroad and unduly burdensome, would impose significant expense to a non-party, and fails to reflect that Plaintiffs have taken reasonable steps to limit the expense and burden of a non-party.

On these grounds, the Non-Party Club will not produce documents responsive to this Request. However, if compliance is required, Plaintiffs should bear the cost of production incurred by the Non-Party Club to comply with this Request.

Request No. 2:

All Documents and Communications relating to Alleged Brain Injury, including but not limited to the potential long-term effects or risks of head trauma sustained in the play of football and/or the potential relationship between head trauma and subsequent Alleged Brain Injury.

Response:

The Non-Party Club objects to this Request as overbroad and unduly burdensome in seeking “[a]ll Documents and Communications relating to Alleged Brain Injury” without any reasonable limitation on scope and without any temporal limitation whatsoever. As the definition of “Alleged Brain Injury” is vague and overbroad, this Request fails to articulate with any specificity the information sought by this Request and fails to reflect that Plaintiffs have taken reasonable steps to limit the expense and burden of a non-party.

The Non-Party Club also objects to this Request to the extent it seeks documents that may reasonably be expected to be in the custody of the NFL, which is a party to the Action. Plaintiffs should exhaust their discovery efforts with respect to the defendants and any other more convenient and less burdensome sources before they attempt to shift the burden to the Non-Party Club. Indeed, Plaintiffs have propounded discovery requests to defendants in this Action that purportedly cover the scope of this Request.

The Non-Party Club further objects to this Request to the extent it seeks information in the possession of the Non-Party Club, but not in the possession of the NFL, because such information is not reasonably related to claims or defenses asserted in this Action. To the extent this Request seeks such information, it amounts to nothing more than a fishing expedition designed to harass and impose significant expense and burden on a non-party.

On these grounds, the Non-Party Club will not produce documents responsive to this Request. However, if compliance is required, Plaintiffs should bear the cost of production incurred by the Non-Party Club to comply with this Request.

Request No. 3:

All Documents and Communications between the Giants and the NFL relating to Alleged Brain Injury, including but not limited to the potential long-term effects or risks of head trauma

sustained in the play of football and/or the potential relationship between head trauma and subsequent Alleged Brain Injury.

Response:

The Non-Party Club objects to this Request as overbroad and unduly burdensome in seeking “[a]ll Documents and Communications between the Giants and the NFL relating to Alleged Brain Injury” without any reasonable limitation on scope and without any temporal limitation whatsoever. As the definition of “Alleged Brain Injury” is vague and overbroad, this Request fails to articulate with any specificity the information sought by this Request and fails to reflect that Plaintiffs have taken reasonable steps to limit the expense and burden of a non-party.

The Non-Party Club also objects to this Request because by seeking “[a]ll Documents and Communications between the Giants and the NFL” it seeks documents that necessarily would be in the custody of the NFL, which is a party to the Action. Plaintiffs should exhaust their discovery efforts with respect to the defendants and any other more convenient and less burdensome sources before they attempt to shift the burden to the Non-Party Club. Indeed, Plaintiffs have propounded discovery requests to defendants in this Action that purportedly cover the scope of this Request.

On these grounds, the Non-Party Club will not produce documents responsive to this Request. However, if compliance is required, Plaintiffs should bear the cost of production incurred by the Non-Party Club to comply with this Request.

Request No. 4:

All Documents and Communications between the Giants and any other NFL team or teams relating to Alleged Brain Injury, including but not limited to the potential long-term effects or risks of head trauma sustained in the play of football and/or the potential relationship between head trauma and subsequent Alleged Brain Injury.

Response:

The Non-Party Club objects to this Request as overbroad and unduly burdensome in seeking “[a]ll Documents and Communications between the Giants and any other NFL team or teams relating to Alleged Brain Injury” without any reasonable limitation on scope and without any temporal limitation whatsoever. As the definition of “Alleged Brain Injury” is vague and overbroad, this Request fails to articulate with any specificity the information sought by this Request and fails to reflect that Plaintiffs have taken reasonable steps to limit the expense and burden of a non-party.

The Non-Party Club further objects to this Request to the extent it seeks information in the possession of the Non-Party Club or any other non-party, but not in the possession of the NFL, because such information is not reasonably related to claims or defenses asserted in this Action. To the extent this Request seeks such information, it amounts to nothing more than a fishing expedition designed to harass and impose significant expense and burden on a non-party.

On these grounds, the Non-Party Club will not produce documents responsive to this Request. However, if compliance is required, Plaintiffs should bear the cost of production incurred by the Non-Party Club to comply with this Request.

Request No. 5:

All Documents and Communications between the Giants and the MTBI Committee relating to Alleged Brain Injury, including but not limited to the potential long-term effects or risks of head trauma sustained in the play of football and/or the potential relationship between head trauma and subsequent Alleged Brain Injury.

Response:

The Non-Party Club objects to this Request as overbroad and unduly burdensome in seeking “[a]ll Documents and Communications between the Giants and the MTBI Committee relating to Alleged Brain Injury” without any reasonable limitation on scope and without any temporal limitation whatsoever. As the definitions of “Alleged Brain Injury” and “MTBI

Committee” are vague and overbroad, this Request fails to articulate with any specificity the information sought by this Request and fails to reflect that Plaintiffs have taken reasonable steps to limit the expense and burden of a non-party.

The Non-Party Club also objects to this Request to the extent it seeks documents that may reasonably be expected to be in the custody of the NFL, which is a party to the Action. Plaintiffs should exhaust their discovery efforts with respect to the defendants and any other more convenient and less burdensome sources before they attempt to shift the burden to the Non-Party Club. Indeed, Plaintiffs have propounded discovery requests to defendants in this Action that purportedly cover the scope of this Request.

The Non-Party Club further objects to this Request to the extent it seeks information in the possession of the Non-Party Club or any other non-party, but not in the possession of the NFL, because such information is not reasonably related to claims or defenses asserted in this Action. To the extent this Request seeks such information, it amounts to nothing more than a fishing expedition designed to harass and impose significant expense and burden on a non-party.

On these grounds, the Non-Party Club will not produce documents responsive to this Request. However, if compliance is required, Plaintiffs should bear the cost of production incurred by the Non-Party Club to comply with this Request.

Request No. 6:

All Documents and Communications between the Giants and the Head, Neck and Spine Committee relating to Alleged Brain Injury, including but not limited to the potential long-term effects or risks of head trauma sustained in the play of football and/or the potential relationship between head trauma and subsequent Alleged Brain Injury.

Response:

The Non-Party Club objects to this Request as overbroad and unduly burdensome in seeking “[a]ll Documents and Communications between the Giants and the Head, Neck and

Spine Committee relating to Alleged Brain Injury” without any reasonable limitation on scope and without any temporal limitation whatsoever. As the definitions of “Alleged Brain Injury” and “Head, Neck and Spine Committee” are vague and overbroad, this Request fails to articulate with any specificity the information sought by this Request and fails to reflect that Plaintiffs have taken reasonable steps to limit the expense and burden of a non-party.

The Non-Party Club also objects to this Request to the extent it seeks documents that may reasonably be expected to be in the custody of the NFL, which is a party to the Action. Plaintiffs should exhaust their discovery efforts with respect to the defendants and any other more convenient and less burdensome sources before they attempt to shift the burden to the Non-Party Club. Indeed, Plaintiffs have propounded discovery requests to defendants in this Action that purportedly cover the scope of this Request.

The Non-Party Club further objects to this Request to the extent it seeks information in the possession of the Non-Party Club or any other non-party, but not in the possession of the NFL, because such information is not reasonably related to claims or defenses asserted in this Action. To the extent this Request seeks such information, it amounts to nothing more than a fishing expedition designed to harass and impose significant expense and burden on a non-party.

On these grounds, the Non-Party Club will not produce documents responsive to this Request. However, if compliance is required, Plaintiffs should bear the cost of production incurred by the Non-Party Club to comply with this Request.

Request No. 7:

All Documents and Communications between the Giants and the Injury and Safety Panel Committee relating to Alleged Brain Injury, including but not limited to the potential long-term effects or risks of head trauma sustained in the play of football and/or the potential relationship between head trauma and subsequent Alleged Brain Injury.

Response:

The Non-Party Club objects to this Request as overbroad and unduly burdensome in seeking “[a]ll Documents and Communications between the Giants and the Injury and Safety Panel Committee relating to Alleged Brain Injury” without any reasonable limitation on scope and without any temporal limitation whatsoever. As the definitions of “Alleged Brain Injury” and “Injury and Safety Panel” are vague and overbroad, this Request fails to articulate with any specificity the information sought by this Request and fails to reflect that Plaintiffs have taken reasonable steps to limit the expense and burden of a non-party.

The Non-Party Club also objects to this Request to the extent it seeks documents that may reasonably be expected to be in the custody of the NFL, which is a party to the Action. Plaintiffs should exhaust their discovery efforts with respect to the defendants and any other more convenient and less burdensome sources before they attempt to shift the burden to the Non-Party Club. Indeed, Plaintiffs have propounded discovery requests to defendants in this Action that purportedly cover the scope of this Request.

The Non-Party Club further objects to this Request to the extent it seeks information in the possession of the Non-Party Club or any other non-party, but not in the possession of the NFL, because such information is not reasonably related to claims or defenses asserted in this Action. To the extent this Request seeks such information, it amounts to nothing more than a fishing expedition designed to harass and impose significant expense and burden on a non-party.

On these grounds, the Non-Party Club will not produce documents responsive to this Request. However, if compliance is required, Plaintiffs should bear the cost of production incurred by the Non-Party Club to comply with this Request.

Request No. 8:

All Documents and Communications between the Giants and any equipment manufacturers, including but not limited to, helmet manufacturers, relating to Alleged Brain Injury, including but not limited to the potential long-term effects or risks of head trauma sustained in the play of

football and/or the potential relationship between head trauma and subsequent Alleged Brain Injury.

Response:

The Non-Party Club objects to this Request as overbroad and unduly burdensome in seeking “[a]ll Documents and Communications between the Giants and any equipment manufacturers . . . relating to Alleged Brain Injury” without any reasonable limitation on scope and without any temporal limitation whatsoever. As the definitions of “Alleged Brain Injury” is vague and overbroad, and the term “equipment manufacturers” is undefined and not limited in any way, this Request fails to articulate with any specificity the information sought by this Request and fails to reflect that Plaintiffs have taken reasonable steps to limit the expense and burden of a non-party.

The Non-Party Club also objects to this Request to the extent it seeks documents that may reasonably be expected to be in the custody of the NFL, which is a party to the Action. Plaintiffs should exhaust their discovery efforts with respect to the defendants and any other more convenient and less burdensome sources before they attempt to shift the burden to the Non-Party Club. Indeed, Plaintiffs have propounded discovery requests to defendants in this Action that purportedly cover the scope of this Request.

The Non-Party Club further objects to this Request to the extent it seeks information in the possession of the Non-Party Club or any other non-party, but not in the possession of the NFL, because such information is not reasonably related to claims or defenses asserted in this Action. To the extent this Request seeks such information, it amounts to nothing more than a fishing expedition designed to harass and impose significant expense and burden on a non-party.

On these grounds, the Non-Party Club will not produce documents responsive to this Request. However, if compliance is required, Plaintiffs should bear the cost of production incurred by the Non-Party Club to comply with this Request.

Request No. 9:

All Documents and Communications between the Giants and any Doctor that is or was at any time on the MTBI Committee, Head, Neck and Spine Committee, or Injury and Safety Panel relating to Alleged Brain Injury, including but not limited to the potential long-term effects or risks of head trauma sustained in the play of football and/or the potential relationship between head trauma and subsequent Alleged Brain Injury.

Response:

The Non-Party Club objects to this Request as overbroad and unduly burdensome in seeking “[a]ll Documents and Communications between the Giants and any Doctor that is or was at any time on the MTBI Committee, Head, Neck and Spine Committee, or Injury and Safety Panel relating to Alleged Brain Injury” without any reasonable limitation on scope and without any temporal limitation whatsoever. As the definitions of “Alleged Brain Injury,” “MTBI Committee,” “Head, Neck and Spine Committee” and “Injury and Safety Panel” are vague and overbroad, this Request fails to articulate with any specificity the information sought by this Request and fails to reflect that Plaintiffs have taken reasonable steps to limit the expense and burden of a non-party. Further, as the terms used in this Request are defined, this Request is duplicative of Request Nos. 5, 6 and 7.

The Non-Party Club also objects to this Request to the extent it seeks documents that may reasonably be expected to be in the custody of the NFL, which is a party to the Action. Plaintiffs should exhaust their discovery efforts with respect to the defendants and any other more convenient and less burdensome sources before they attempt to shift the burden to the Non-Party Club. Indeed, Plaintiffs have propounded discovery requests to defendants in this Action that purportedly cover the scope of this Request.

The Non-Party Club further objects to this Request to the extent it seeks information in the possession of the Non-Party Club or any other non-party, but not in the possession of the NFL, because such information is not reasonably related to claims or defenses asserted in this Action. To the extent this Request seeks such information, it amounts to nothing more than a fishing expedition designed to harass and impose significant expense and burden on a non-party.

On these grounds, the Non-Party Club will not produce documents responsive to this Request. However, if compliance is required, Plaintiffs should bear the cost of production incurred by the Non-Party Club to comply with this Request.

Request No. 10:

All Documents and Communications relating to Alleged Brain Injury sustained by any current or former NFL player.

Response:

The Non-Party Club objects to this Request as overbroad and unduly burdensome in seeking “[a]ll Documents and Communications relating to . . .” without any temporal limitation whatsoever. Further, as the definition of “Alleged Brain Injury” is vague and overbroad, and the phrase “current or former NFL Player” is undefined and not limited in any way, this Request fails to articulate with any specificity the information sought by this Request and fails to reflect that Plaintiffs have taken reasonable steps to limit the expense and burden of a non-party.

The Non-Party Club further objects to this Request to the extent it seeks information in the possession of the Non-Party Club, but not in the possession of the NFL, because such information is not reasonably related to claims or defenses asserted in this Action. To the extent this Request seeks such information, it amounts to nothing more than a fishing expedition designed to harass and impose significant expense and burden on a non-party.

To the extent this Request seeks documents that may reasonably be expected to be in the custody of the NFL, which is a party to the Action, Plaintiffs should exhaust their discovery efforts with respect to the defendants and any other more convenient and less burdensome sources before they attempt to shift the burden to the Non-Party Club. Indeed, Plaintiffs have propounded discovery requests to defendants in this Action that purportedly cover the scope of this Request.

The Non-Party Club further objects to this Request to the extent it calls for private, personal medical information protected from disclosure by certain federal rules and laws including, but not limited to the Health Insurance Portability And Accountability Act of 1996 (“HIPAA”), the Americans with Disabilities Act (“ADA”) and the federal constitutional right to informational privacy and confidentiality concerning their personal medical information. The Non-Party Club further objects to this Request to the extent it seeks current or former NFL players’ medical records, which are confidential and protected by the physician-patient privilege. *See* N.Y. CPLR § 4504. The Non-Party Club also objects to the extent this Request seeks information that is confidential pursuant to N.Y. Mental Hygiene Law § 33.13. The Non-Party Club further objects to this Request to the extent it seeks information that is confidential pursuant to N.Y. Public Health Law § 2803-c(3)(f). The Non-Party Club further objects to this Request to the extent that disclosure amounts to a breach of the implied covenant of trust and confidence, a breach of fiduciary duty, and/or a breach of confidence. Furthermore, the Non-Party Club objects to this Request to the extent that it seeks information protected by the psychologist-patient privilege. *See* N.Y. CPLR § 4507.

The Non-Party Club also objects to this Request because Plaintiffs are unilaterally seeking the private, personal medical information of NFL players that may be protected from

disclosure pursuant to the collectively bargained agreements between the NFL and the NFL Players Association and any other contractual agreements that protect the privacy rights of NFL players with respect to disclosure of medical information without their prior consent.

On these grounds, the Non-Party Club will not produce documents responsive to this Request. However, if compliance is required, Plaintiffs should bear the cost of production incurred by the Non-Party Club to comply with this Request and all necessary waivers, consents and protective orders must be in place prior to any production.

Request No. 11:

All lists, databases, compilations, or spreadsheets maintained by the Giants containing data about current or former players of the Giants, including but not limited to name, date of birth, dates of NFL career, documented concussions, and Alleged Brain Injuries sustained, or any similar information.

Response:

The Non-Party Club objects to this Request as overbroad and unduly burdensome in seeking “[a]ll lists, databases, compilations, or spreadsheets maintained by the Giants containing data about current or former players of the Giants,” without any reasonable limitation on scope or any temporal limitation whatsoever. Further, as the definition of “Alleged Brain Injury” is vague and overbroad, and the phrase “current or former players of the Giants” is undefined and not limited in any way, this Request fails to articulate with any specificity the information sought by this Request and fails to reflect that Plaintiffs have taken reasonable steps to limit the expense and burden of a non-party.

The Non-Party Club further objects to this Request to the extent it seeks information in the possession of the Non-Party Club, but not in the possession of the NFL, because such information is not reasonably related to claims or defenses asserted in this Action. To the extent

this Request seeks such information, it amounts to nothing more than a fishing expedition designed to harass and impose significant expense and burden on a non-party.

To the extent this Request seeks information that is in the possession, custody and control of the NFL or is publicly available, Plaintiffs should exhaust their discovery efforts with respect to the defendants and any other more convenient, less burdensome and less costly sources before they attempt to shift the burden to the Non-Party Club. Indeed, Plaintiffs have propounded discovery requests to defendants in this Action that purportedly cover the scope of this Request.

The Non-Party Club further objects to this Request to the extent it calls for private, personal medical information protected from disclosure by certain federal rules and laws including, but not limited to HIPAA, the ADA and the federal constitutional right to informational privacy and confidentiality concerning their personal medical information. The Non-Party Club further objects to this Request to the extent it seeks current or former NFL players' medical records, which are confidential and protected by the physician-patient privilege. *See* N.Y. CPLR § 4504. The Non-Party Club also objects to the extent this Request seeks information that is confidential pursuant to N.Y. Mental Hygiene Law § 33.13. The Non-Party Club further objects to this Request to the extent it seeks information that is confidential pursuant to N.Y. Public Health Law § 2803-c(3)(f). The Non-Party Club further objects to this Request to the extent that disclosure amounts to a breach of the implied covenant of trust and confidence, a breach of fiduciary duty, and/or a breach of confidence. Furthermore, the Non-Party Club objects to this Request to the extent that it seeks information protected by the psychologist-patient privilege. *See* N.Y. CPLR § 4507.

The Non-Party Club also objects to this Request because Plaintiffs are unilaterally seeking the private, personal medical information of NFL players that may be protected from

disclosure pursuant to the collectively bargained agreements between the NFL and the NFL Players Association and any other contractual agreements that protect the privacy rights of NFL players with respect to disclosure of medical information without their prior consent.

On these grounds, the Non-Party Club will not produce documents responsive to this Request. However, if compliance is required, Plaintiffs should bear the cost of production incurred by the Non-Party Club to comply with this Request and all necessary waivers, consents and protective orders must be in place prior to any production.

Request No. 12:

All Documents and Communications relating to the actual or attempted collection of any data or other information regarding Alleged Brain Injury by the Giants at its own behest or at the request of the NFL, Elliot Pellman, M.D., the MTBI Committee, the Head, Neck and Spine Committee, or the Injury and Safety Panel.

Response:

The Non-Party Club objects to this Request as overbroad and unduly burdensome in seeking “[a]ll Documents and Communications relating to the actual or attempted collection of any data or other information regarding Alleged Brain Injury by the Giants,” without any reasonable limitation on scope or any temporal limitation whatsoever. This Request fails to articulate with any specificity the information sought by this Request and fails to reflect that Plaintiffs have taken reasonable steps to limit the expense and burden of a non-party.

The Non-Party Club also objects to this Request to the extent it seeks documents that may reasonably be expected to be in the custody of the NFL, which is a party to the Action. Plaintiffs should exhaust their discovery efforts with respect to the defendants and any other more convenient and less burdensome sources before they attempt to shift the burden to the Non-Party Club. Indeed, Plaintiffs have propounded discovery requests to defendants in this Action that purportedly cover the scope of this Request.

The Non-Party Club further objects to this Request to the extent it seeks information in the possession of the Non-Party Club, but not in the possession of the NFL, because such information is not reasonably related to claims or defenses asserted in this Action. To the extent this Request seeks such information, it amounts to nothing more than a fishing expedition designed to harass and impose significant expense and burden on a non-party.

The Non-Party Club further objects to this Request to the extent it calls for private, personal medical information protected from disclosure by certain federal rules and laws including, but not limited to HIPAA, the ADA and the federal constitutional right to informational privacy and confidentiality concerning their personal medical information. The Non-Party Club further objects to this Request to the extent it seeks current or former NFL players' medical records, which are confidential and protected by the physician-patient privilege. *See* N.Y. CPLR § 4504. The Non-Party Club also objects to the extent this Request seeks information that is confidential pursuant to N.Y. Mental Hygiene Law § 33.13. The Non-Party Club further objects to this Request to the extent it seeks information that is confidential pursuant to N.Y. Public Health Law § 2803-c(3)(f). The Non-Party Club further objects to this Request to the extent that disclosure amounts to a breach of the implied covenant of trust and confidence, a breach of fiduciary duty, and/or a breach of confidence. Furthermore, the Non-Party Club objects to this Request to the extent that it seeks information protected by the psychologist-patient privilege. *See* N.Y. CPLR § 4507.

The Non-Party Club also objects to this Request because Plaintiffs are unilaterally seeking the private, personal medical information of NFL players that may be protected from disclosure pursuant to the collectively bargained agreements between the NFL and the NFL

Players Association and any other contractual agreements that protect the privacy rights of NFL players with respect to disclosure of medical information without their prior consent.

On these grounds, the Non-Party Club will not produce documents responsive to this Request. However, if compliance is required, Plaintiffs should bear the cost of production incurred by the Non-Party Club to comply with this Request and all necessary waivers, consents and protective orders must be in place prior to any production.

Request No. 13:

All Documents and Communications relating to any workers compensation claim for Alleged Brain Injury filed by any current or former player of the Giants.

Response:

The Non-Party Club objects to this Request as overbroad and unduly burdensome in seeking “[a]ll Documents and Communications relating to any workers compensation claim for Alleged Brain Injury filed by any current or former player of the Giants,” without any limitation on the scope of the documents sought and without any temporal limitation whatsoever. Further, as the definition of “Alleged Brain Injury” is vague and overbroad, and the phrase “current or former player of the Giants” is undefined and not limited in any way, this Request fails to articulate with any specificity the information sought by this Request and fails to reflect that Plaintiffs have taken reasonable steps to limit the expense and burden of a non-party.

The Non-Party Club further objects to this Request to the extent it seeks information in the possession of the Non-Party Club, but not in the possession of the NFL, because such information is not reasonably related to claims or defenses asserted in this Action. To the extent this Request seeks such information, it amounts to nothing more than a fishing expedition designed to harass and impose significant expense and burden on a non-party.

The Non-Party Club further objects to this Request to the extent that it seeks information that is publicly available. Plaintiffs should exhaust their discovery efforts with other more convenient, less burdensome and less costly sources before they attempt to shift the burden to the Non-Party Club.

The Non-Party Club further objects to this Request to the extent it calls for documents that are protected from disclosure by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege, protection, immunity, law, rule or regulation.

The Non-Party Club further objects to this Request to the extent it calls for private, personal medical information protected from disclosure by certain federal rules and laws including, but not limited to HIPAA, the ADA and the federal constitutional right to informational privacy and confidentiality concerning their personal medical information. The Non-Party Club further objects to this Request to the extent it seeks current or former NFL players' medical records, which are confidential and protected by the physician-patient privilege. *See* N.Y. CPLR § 4504. The Non-Party Club also objects to the extent this Request seeks information that is confidential pursuant to N.Y. Mental Hygiene Law § 33.13. The Non-Party Club further objects to this Request to the extent it seeks information that is confidential pursuant to N.Y. Public Health Law § 2803-c(3)(f). The Non-Party Club further objects to this Request to the extent that disclosure amounts to a breach of the implied covenant of trust and confidence, a breach of fiduciary duty, and/or a breach of confidence. Furthermore, the Non-Party Club objects to this Request to the extent that it seeks information protected by the psychologist-patient privilege. *See* N.Y. CPLR § 4507.

The Non-Party Club also objects to this Request because Plaintiffs are unilaterally seeking the private, personal medical information of NFL players that may be protected from

disclosure pursuant to the collectively bargained agreements between the NFL and the NFL Players Association and any other contractual agreements that protect the privacy rights of NFL players with respect to disclosure of medical information without their prior consent.

On these grounds, the Non-Party Club will not produce documents responsive to this Request. However, if compliance is required, Plaintiffs should bear the cost of production incurred by the Non-Party Club to comply with this Request and all necessary waivers, consents and protective orders must be in place prior to any production.

Request No. 14:

All Documents and Communications regarding potential or actual claims or lawsuits asserted by any current or former NFL players against the NFL or any NFL team relating to Alleged Brain Injury.

Response:

The Non-Party Club objects to this Request as overbroad and unduly burdensome in seeking “[a]ll Documents and Communications regarding potential or actual claims or lawsuits . . .” without any reasonable limitation on the scope of the documents sought and without any temporal limitation whatsoever. Further, as the definition of “Alleged Brain Injury” is vague and overbroad, and the phrase “current or former NFL Player” is undefined and not limited in any way, this Request fails to articulate with any specificity the information sought by this Request and fails to reflect that Plaintiffs have taken reasonable steps to limit the expense and burden of a non-party.

The Non-Party Club further objects to this Request to the extent it seeks information in the possession of the Non-Party Club, but not in the possession of the NFL, because such information is not reasonably related to claims or defenses asserted in this Action. To the extent this Request seeks such information, it amounts to nothing more than a fishing expedition designed to harass and impose significant expense and burden on a non-party.

The Non-Party Club also objects to this Request because by seeking information about “potential or actual claims or lawsuits . . . against the NFL,” it seeks documents that may reasonably be expected to be in the custody of the NFL, which is a party to the Action. Plaintiffs should exhaust their discovery efforts with respect to the defendants and any other more convenient and less burdensome sources before they attempt to shift the burden to the Non-Party Club. Indeed, Plaintiffs have propounded discovery requests to defendants in this Action that purportedly cover the scope of this Request.

The Non-Party Club further objects to this Request to the extent that it seeks information that is publicly available. Again, Plaintiffs should exhaust their discovery efforts with other more convenient, less burdensome and less costly sources before they attempt to shift the burden to the Non-Party Club.

The Non-Party Club further objects to this Request to the extent it calls for documents that are protected from disclosure by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege, protection, immunity, law, rule or regulation.

The Non-Party Club further objects to this Request to the extent it calls for private, personal medical information protected from disclosure by certain federal rules and laws including, but not limited to HIPAA, the ADA and the federal constitutional right to informational privacy and confidentiality concerning their personal medical information. The Non-Party Club further objects to this Request to the extent it seeks current or former NFL players’ medical records, which are confidential and protected by the physician-patient privilege. *See* N.Y. CPLR § 4504. The Non-Party Club also objects to the extent this Request seeks information that is confidential pursuant to N.Y. Mental Hygiene Law § 33.13. The Non-Party Club further objects to this Request to the extent it seeks information that is confidential pursuant

to N.Y. Public Health Law § 2803-c(3)(f). The Non-Party Club further objects to this Request to the extent that disclosure amounts to a breach of the implied covenant of trust and confidence, a breach of fiduciary duty, and/or a breach of confidence. Furthermore, the Non-Party Club objects to this Request to the extent that it seeks information protected by the psychologist-patient privilege. *See* N.Y. CPLR § 4507.

The Non-Party Club also objects to this Request because Plaintiffs are unilaterally seeking the private, personal medical information of NFL players that may be protected from disclosure pursuant to the collectively bargained agreements between the NFL and the NFL Players Association and any other contractual agreements that protect the privacy rights of NFL players with respect to disclosure of medical information without their prior consent.

On these grounds, the Non-Party Club will not produce documents responsive to this Request. However, if compliance is required, Plaintiffs should bear the cost of production incurred by the Non-Party Club to comply with this Request and all necessary waivers, consents and protective orders must be in place prior to any production.

Request No. 15:

All Documents and Communications between the Giants and any other NFL team or teams regarding potential or actual claims or lawsuits asserted by any current or former NFL players against the NFL or any NFL team relating to Alleged Brain Injury.

Response:

The Non-Party Club objects to this Request as overbroad and unduly burdensome in seeking “[a]ll Documents and Communications between the Giants and any other NFL team or teams regarding potential or actual claims or lawsuits . . .” without any reasonable limitation on the scope of the documents sought and without any temporal limitation whatsoever. Further, as the definition of “Alleged Brain Injury” is vague and overbroad, and the phrase “current or former NFL Player” is undefined and not limited in any way, this Request fails to articulate with

any specificity the information sought by this Request and fails to reflect that Plaintiffs have taken reasonable steps to limit the expense and burden of a non-party.

The Non-Party Club further objects to this Request to the extent it seeks information in the possession of the Non-Party Club, but not in the possession of the NFL, because such information is not reasonably related to claims or defenses asserted in this Action. To the extent this Request seeks such information, it amounts to nothing more than a fishing expedition designed to harass and impose significant expense and burden on a non-party.

The Non-Party Club also objects to this Request because by seeking information about “potential or actual claims or lawsuits . . . against the NFL,” it seeks documents that may reasonably be expected to be in the custody of the NFL, which is a party to the Action. Plaintiffs should exhaust their discovery efforts with respect to the defendants and any other more convenient and less burdensome sources before they attempt to shift the burden to the Non-Party Club. Indeed, Plaintiffs have propounded discovery requests to defendants in this Action that purportedly cover the scope of this Request.

The Non-Party Club further objects to this Request to the extent that it seeks information that is publicly available. Again, Plaintiffs should exhaust their discovery efforts with other more convenient, less burdensome and less costly sources before they attempt to shift the burden to the Non-Party Club.

The Non-Party Club further objects to this Request to the extent it calls for documents that are protected from disclosure by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege, protection, immunity, law, rule or regulation.

The Non-Party Club further objects to this Request to the extent it calls for private, personal medical information protected from disclosure by certain federal rules and laws

including, but not limited to HIPAA, the ADA and the federal constitutional right to informational privacy and confidentiality concerning their personal medical information. The Non-Party Club further objects to this Request to the extent it seeks current or former NFL players' medical records, which are confidential and protected by the physician-patient privilege. *See* N.Y. CPLR § 4504. The Non-Party Club also objects to the extent this Request seeks information that is confidential pursuant to N.Y. Mental Hygiene Law § 33.13. The Non-Party Club further objects to this Request to the extent it seeks information that is confidential pursuant to N.Y. Public Health Law § 2803-c(3)(f). The Non-Party Club further objects to this Request to the extent that disclosure amounts to a breach of the implied covenant of trust and confidence, a breach of fiduciary duty, and/or a breach of confidence. Furthermore, the Non-Party Club objects to this Request to the extent that it seeks information protected by the psychologist-patient privilege. *See* N.Y. CPLR § 4507.

The Non-Party Club also objects to this Request because Plaintiffs are unilaterally seeking the private, personal medical information of NFL players that may be protected from disclosure pursuant to the collectively bargained agreements between the NFL and the NFL Players Association and any other contractual agreements that protect the privacy rights of NFL players with respect to disclosure of medical information without their prior consent.

On these grounds, the Non-Party Club will not produce documents responsive to this Request. However, if compliance is required, Plaintiffs should bear the cost of production incurred by the Non-Party Club to comply with this Request and all necessary waivers, consents and protective orders must be in place prior to any production.

Request No. 16:

All Documents and Communications between the Giants and the MTBI Committee regarding potential or actual claims or lawsuits asserted by any current or former NFL players against the NFL or any NFL team relating to Alleged Brain Injury.

Response:

The Non-Party Club objects to this Request as overbroad and unduly burdensome in seeking “[a]ll Documents and Communications between the Giants and the MTBI Committee regarding potential or actual claims or lawsuits . . .” without any reasonable limitation on the scope of the documents sought and without any temporal limitation whatsoever. Further, as the definition of “Alleged Brain Injury” is vague and overbroad, and the phrase “current or former NFL Player” is undefined and not limited in any way, this Request fails to articulate with any specificity the information sought by this Request and fails to reflect that Plaintiffs have taken reasonable steps to limit the expense and burden of a non-party.

The Non-Party Club further objects to this Request to the extent it seeks information in the possession of the Non-Party Club, but not in the possession of the NFL, because such information is not reasonably related to claims or defenses asserted in this Action. To the extent this Request seeks such information, it amounts to nothing more than a fishing expedition designed to harass and impose significant expense and burden on a non-party.

The Non-Party Club also objects to this Request because by seeking information about “potential or actual claims or lawsuits . . . against the NFL,” it seeks documents that may reasonably be expected to be in the custody of the NFL, which is a party to the Action. Plaintiffs should exhaust their discovery efforts with respect to the defendants and any other more convenient and less burdensome sources before they attempt to shift the burden to the Non-Party Club. Indeed, Plaintiffs have propounded discovery requests to defendants in this Action that purportedly cover the scope of this Request.

The Non-Party Club further objects to this Request to the extent it calls for documents that are protected from disclosure by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege, protection, immunity, law, rule or regulation.

The Non-Party Club further objects to this Request to the extent it calls for private, personal medical information protected from disclosure by certain federal rules and laws including, but not limited to HIPAA, the ADA and the federal constitutional right to informational privacy and confidentiality concerning their personal medical information. The Non-Party Club further objects to this Request to the extent it seeks current or former NFL players' medical records, which are confidential and protected by the physician-patient privilege. *See* N.Y. CPLR § 4504. The Non-Party Club also objects to the extent this Request seeks information that is confidential pursuant to N.Y. Mental Hygiene Law § 33.13. The Non-Party Club further objects to this Request to the extent it seeks information that is confidential pursuant to N.Y. Public Health Law § 2803-c(3)(f). The Non-Party Club further objects to this Request to the extent that disclosure amounts to a breach of the implied covenant of trust and confidence, a breach of fiduciary duty, and/or a breach of confidence. Furthermore, the Non-Party Club objects to this Request to the extent that it seeks information protected by the psychologist-patient privilege. *See* N.Y. CPLR § 4507.

The Non-Party Club also objects to this Request because Plaintiffs are unilaterally seeking the private, personal medical information of NFL players that may be protected from disclosure pursuant to the collectively bargained agreements between the NFL and the NFL Players Association and any other contractual agreements that protect the privacy rights of NFL players with respect to disclosure of medical information without their prior consent.

On these grounds, the Non-Party Club will not produce documents responsive to this Request. However, if compliance is required, Plaintiffs should bear the cost of production incurred by the Non-Party Club to comply with this Request and all necessary waivers, consents and protective orders must be in place prior to any production.

Request No. 17:

All Documents and Communications between the Giants and the Head, Neck and Spine Committee regarding potential or actual claims or lawsuits asserted by any current or former NFL players against the NFL or any NFL team relating to Alleged Brain Injury.

Response:

The Non-Party Club objects to this Request as overbroad and unduly burdensome in seeking “[a]ll Documents and Communications between the Giants and the Head, Neck and Spine Committee regarding potential or actual claims or lawsuits . . .” without any reasonable limitation on the scope of the documents sought and without any temporal limitation whatsoever. Further, as the definition of “Alleged Brain Injury” is vague and overbroad, and the phrase “current or former NFL Player” is undefined and not limited in any way, this Request fails to articulate with any specificity the information sought by this Request and fails to reflect that Plaintiffs have taken reasonable steps to limit the expense and burden of a non-party.

The Non-Party Club further objects to this Request to the extent it seeks information in the possession of the Non-Party Club, but not in the possession of the NFL, because such information is not reasonably related to claims or defenses asserted in this Action. To the extent this Request seeks such information, it amounts to nothing more than a fishing expedition designed to harass and impose significant expense and burden on a non-party.

The Non-Party Club also objects to this Request because by seeking information about “potential or actual claims or lawsuits . . . against the NFL,” it seeks documents that may reasonably be expected to be in the custody of the NFL, which is a party to the Action. Plaintiffs should exhaust their discovery efforts with respect to the defendants and any other more convenient and less burdensome sources before they attempt to shift the burden to the Non-Party Club. Indeed, Plaintiffs have propounded discovery requests to defendants in this Action that purportedly cover the scope of this Request.

The Non-Party Club further objects to this Request to the extent it calls for documents that are protected from disclosure by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege, protection, immunity, law, rule or regulation.

The Non-Party Club further objects to this Request to the extent it calls for private, personal medical information protected from disclosure by certain federal rules and laws including, but not limited to HIPAA, the ADA and the federal constitutional right to informational privacy and confidentiality concerning their personal medical information. The Non-Party Club further objects to this Request to the extent it seeks current or former NFL players' medical records, which are confidential and protected by the physician-patient privilege. *See* N.Y. CPLR § 4504. The Non-Party Club also objects to the extent this Request seeks information that is confidential pursuant to N.Y. Mental Hygiene Law § 33.13. The Non-Party Club further objects to this Request to the extent it seeks information that is confidential pursuant to N.Y. Public Health Law § 2803-c(3)(f). The Non-Party Club further objects to this Request to the extent that disclosure amounts to a breach of the implied covenant of trust and confidence, a breach of fiduciary duty, and/or a breach of confidence. Furthermore, the Non-Party Club objects to this Request to the extent that it seeks information protected by the psychologist-patient privilege. *See* N.Y. CPLR § 4507.

The Non-Party Club also objects to this Request because Plaintiffs are unilaterally seeking the private, personal medical information of NFL players that may be protected from disclosure pursuant to the collectively bargained agreements between the NFL and the NFL Players Association and any other contractual agreements that protect the privacy rights of NFL players with respect to disclosure of medical information without their prior consent.

On these grounds, the Non-Party Club will not produce documents responsive to this Request. However, if compliance is required, Plaintiffs should bear the cost of production incurred by the Non-Party Club to comply with this Request and all necessary waivers, consents and protective orders must be in place prior to any production.

Request No. 18:

All Documents and Communications between the Giants and the Injury and Safety Panel Committee regarding potential or actual claims or lawsuits asserted by any current or former NFL players against the NFL or any NFL team relating to Alleged Brain Injury.

Response:

The Non-Party Club objects to this Request as overbroad and unduly burdensome in seeking “[a]ll Documents and Communications between the Giants and the Injury and Safety Panel Committee regarding potential or actual claims or lawsuits . . .” without any reasonable limitation on the scope of the documents sought and without any temporal limitation whatsoever. Further, as the definition of “Alleged Brain Injury” is vague and overbroad, and the phrase “current or former NFL Player” is undefined and not limited in any way, this Request fails to articulate with any specificity the information sought by this Request and fails to reflect that Plaintiffs have taken reasonable steps to limit the expense and burden of a non-party.

The Non-Party Club further objects to this Request to the extent it seeks information in the possession of the Non-Party Club, but not in the possession of the NFL, because such information is not reasonably related to claims or defenses asserted in this Action. To the extent this Request seeks such information, it amounts to nothing more than a fishing expedition designed to harass and impose significant expense and burden on a non-party.

The Non-Party Club also objects to this Request because by seeking information about “potential or actual claims or lawsuits . . . against the NFL,” it seeks documents that may reasonably be expected to be in the custody of the NFL, which is a party to the Action. Plaintiffs

should exhaust their discovery efforts with respect to the defendants and any other more convenient and less burdensome sources before they attempt to shift the burden to the Non-Party Club. Indeed, Plaintiffs have propounded discovery requests to defendants in this Action that purportedly cover the scope of this Request.

The Non-Party Club further objects to this Request to the extent it calls for documents that are protected from disclosure by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege, protection, immunity, law, rule or regulation.

The Non-Party Club further objects to this Request to the extent it calls for private, personal medical information protected from disclosure by certain federal rules and laws including, but not limited to HIPAA, the ADA and the federal constitutional right to informational privacy and confidentiality concerning their personal medical information. The Non-Party Club further objects to this Request to the extent it seeks current or former NFL players' medical records, which are confidential and protected by the physician-patient privilege. *See* N.Y. CPLR § 4504. The Non-Party Club also objects to the extent this Request seeks information that is confidential pursuant to N.Y. Mental Hygiene Law § 33.13. The Non-Party Club further objects to this Request to the extent it seeks information that is confidential pursuant to N.Y. Public Health Law § 2803-c(3)(f). The Non-Party Club further objects to this Request to the extent that disclosure amounts to a breach of the implied covenant of trust and confidence, a breach of fiduciary duty, and/or a breach of confidence. Furthermore, the Non-Party Club objects to this Request to the extent that it seeks information protected by the psychologist-patient privilege. *See* N.Y. CPLR § 4507.

The Non-Party Club also objects to this Request because Plaintiffs are unilaterally seeking the private, personal medical information of NFL players that may be protected from

disclosure pursuant to the collectively bargained agreements between the NFL and the NFL Players Association and any other contractual agreements that protect the privacy rights of NFL players with respect to disclosure of medical information without their prior consent.

On these grounds, the Non-Party Club will not produce documents responsive to this Request. However, if compliance is required, Plaintiffs should bear the cost of production incurred by the Non-Party Club to comply with this Request and all necessary waivers, consents and protective orders must be in place prior to any production.

Request No. 19:

All Documents and Communications related to the Giants' weekly injury reports regarding concussions, head trauma, or Alleged Brain Injury submitted to the NFL.

Response:

The Non-Party Club objects to this Request as overbroad and unduly burdensome in seeking "[a]ll Documents and Communications related to the Giants' weekly injury reports regarding concussions, head trauma, or Alleged Brain Injury submitted to the NFL," without any reasonable limitation on scope or any temporal limitation whatsoever. This Request fails to reflect that Plaintiffs have taken reasonable steps to limit the expense and burden of a non-party.

The Non-Party Club further objects to this Request to the extent it seeks information in the possession of the Non-Party Club, but not in the possession of the NFL, because such information is not reasonably related to claims or defenses asserted in this Action. To the extent this Request seeks such information, it amounts to nothing more than a fishing expedition designed to harass and impose significant expense and burden on a non-party.

The Non-Party Club also objects to this Request because by seeking information "submitted to the NFL," it seeks documents that may reasonably be expected to be in the custody of the NFL, which is a party to the Action. Plaintiffs should exhaust their discovery efforts with

respect to the defendants and any other more convenient and less burdensome sources before they attempt to shift the burden to the Non-Party Club. Indeed, Plaintiffs have propounded discovery requests to defendants in this Action that purportedly cover the scope of this Request.

The Non-Party Club further objects to this Request to the extent it seeks information that is publicly available. Again, Plaintiffs should exhaust their discovery efforts with other more convenient, less burdensome and less costly sources before they attempt to shift the burden to the Non-Party Club.

The Non-Party Club further objects to this Request to the extent that by seeking “[a]ll Documents and Communications related to . . . weekly injury reports” it calls for private, personal medical information protected from disclosure by certain federal rules and laws including, but not limited to HIPAA, the ADA and the federal constitutional right to informational privacy and confidentiality concerning their personal medical information. The Non-Party Club further objects to this Request to the extent it seeks current or former NFL players’ medical records, which are confidential and protected by the physician-patient privilege. *See* N.Y. CPLR § 4504. The Non-Party Club also objects to the extent this Request seeks information that is confidential pursuant to N.Y. Mental Hygiene Law § 33.13. The Non-Party Club further objects to this Request to the extent it seeks information that is confidential pursuant to N.Y. Public Health Law § 2803-c(3)(f). The Non-Party Club further objects to this Request to the extent that disclosure amounts to a breach of the implied covenant of trust and confidence, a breach of fiduciary duty, and/or a breach of confidence. Furthermore, the Non-Party Club objects to this Request to the extent that it seeks information protected by the psychologist-patient privilege. *See* N.Y. CPLR § 4507.

Further, the Non-Party Club also objects to this Request to the extent that by seeking “[a]ll Documents and Communications related to . . . weekly injury reports” Plaintiffs are unilaterally seeking the private, personal medical information of NFL players that may be protected from disclosure pursuant to the collectively bargained agreements between the NFL and the NFL Players Association and any other contractual agreements that protect the privacy rights of NFL players with respect to disclosure of medical information without their prior consent.

On these grounds, the Non-Party Club will not produce documents responsive to this Request. However, if compliance is required, Plaintiffs should bear the cost of production incurred by the Non-Party Club to comply with this Request and all necessary waivers, consents and protective orders must be in place prior to any production.

Request No. 20:

All Documents and Communications related to any recommendations, proposals or other input given by the Giants to the NFL regarding prevention of concussions, head trauma, and/or Alleged Brain Injury in NFL football players, protocols for testing and diagnosing NFL football players who sustained head trauma, and/or return-to-play guidelines.

Response:

The Non-Party Club objects to this Request to the extent it seeks “[a]ll Documents and Communications related to any recommendations, proposals or other input given by the Giants to the NFL . . .” because such documents may reasonably be expected to be in the custody of the NFL, which is a party to this Action. Plaintiffs should exhaust their discovery efforts with respect to the defendants and any other more convenient and less burdensome sources before they attempt to shift the burden to the Non-Party Club. Indeed, Plaintiffs have propounded discovery requests to defendants in this Action that purportedly cover the scope of this Request.

The Non-Party Club further objects to this Request to the extent it seeks information in the possession of the Non-Party Club, but not in the possession of the NFL, because such information is not reasonably related to claims or defenses asserted in this Action. To the extent this Request seeks such information, it amounts to nothing more than a fishing expedition designed to harass and impose significant expense and burden on a non-party.

On these grounds, the Non-Party Club will not produce documents responsive to this Request. However, if compliance is required, Plaintiffs should bear the cost of production incurred by the Non-Party Club to comply with this Request.

Request No. 21:

All Documents and Communications related to any concussion management protocols utilized by the Giants.

Response:

The Non-Party Club objects to this Request as overbroad and unduly burdensome in seeking “[a]ll Documents and Communications related to any concussion management protocols utilized by the Giants,” without any temporal limitation whatsoever.

The Non-Party Club also objects to this Request to the extent it seeks documents that may reasonably be expected to be in the custody of the NFL, which is a party to the Action. Plaintiffs should exhaust their discovery efforts with respect to the defendants and any other more convenient and less burdensome sources before they attempt to shift the burden to the Non-Party Club. Indeed, Plaintiffs have propounded discovery requests to defendants in this Action that purportedly cover the scope of this Request.

The Non-Party Club further objects to this Request to the extent it seeks information in the possession of the Non-Party Club or any other non-party, but not in the possession of the NFL, because such information is not reasonably related to claims or defenses asserted in this

Action. To the extent this Request seeks such information, it amounts to nothing more than a fishing expedition designed to harass and impose significant expense and burden on a non-party.

On these grounds, the Non-Party Club will not produce documents responsive to this Request. However, if compliance is required, Plaintiffs should bear the cost of production incurred by the Non-Party Club to comply with this Request.

Request No. 22:

All Documents and Communications related to any costs incurred by the Giants in connection with the defense of the MDL Action.

Response:

The Non-Party Club objects to this Request to the extent it seeks documents that may reasonably be expected to be in the custody of the NFL, which is a party to the Action. Plaintiffs should exhaust their discovery efforts with respect to the defendants and any other more convenient and less burdensome sources before they attempt to shift the burden to the Non-Party Club. Indeed, Plaintiffs have propounded discovery requests to defendants in this Action that purportedly cover the scope of this Request.

The Non-Party Club further objects to this Request to the extent it seeks information in the possession of the Non-Party Club, but not in the possession of the NFL, because such information is not reasonably related to claims or defenses asserted in this Action. To the extent this Request seeks such information, it amounts to nothing more than a fishing expedition designed to harass and impose significant expense and burden on a non-party.

The Non-Party Club further objects to this Request to the extent it calls for documents that are protected from disclosure by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege, protection, immunity, law, rule or regulation.

On these grounds, the Non-Party Club will not produce documents responsive to this Request. However, if compliance is required, Plaintiffs should bear the cost of production incurred by the Non-Party Club to comply with this Request.

Request No. 23:

All Documents and Communications related to any costs incurred or to be incurred by the Giants in connection with the class action settlement entered into in the MDL Action.

Response:

The Non-Party Club objects to this Request to the extent it seeks documents that may reasonably be expected to be in the custody of the NFL, which is a party to the Action. Plaintiffs should exhaust their discovery efforts with respect to the defendants and any other more convenient and less burdensome sources before they attempt to shift the burden to the Non-Party Club. Indeed, Plaintiffs have propounded discovery requests to defendants in this Action that purportedly cover the scope of this Request.

The Non-Party Club further objects to this Request to the extent it seeks information in the possession of the Non-Party Club, but not in the possession of the NFL, because such information is not reasonably related to claims or defenses asserted in this Action. To the extent this Request seeks such information, it amounts to nothing more than a fishing expedition designed to harass and impose significant expense and burden on a non-party.

The Non-Party Club further objects to this Request to the extent it calls for documents that are protected from disclosure by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege, protection, immunity, law, rule or regulation.

On these grounds, the Non-Party Club will not produce documents responsive to this Request. However, if compliance is required, Plaintiffs should bear the cost of production incurred by the Non-Party Club to comply with this Request.

Request No. 24:

All Documents and Communications between the Giants and the NFL regarding strategy for the defense of the MDL Action.

Response:

The Non-Party Club objects to this Request because by seeking “[a]ll Documents and Communications between the Giants and the NFL . . .” it seeks documents that may reasonably be expected to be in the custody of the NFL, which is a party to the Action. Plaintiffs should exhaust their discovery efforts with respect to the defendants and any other more convenient and less burdensome sources before they attempt to shift the burden to the Non-Party Club. Indeed, Plaintiffs have propounded discovery requests to defendants in this Action that purportedly cover the scope of this Request.

The Non-Party Club further objects to this Request to the extent it calls for documents that are protected from disclosure by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege, protection, immunity, law, rule or regulation.

On these grounds, the Non-Party Club will not produce documents responsive to this Request. However, if compliance is required, Plaintiffs should bear the cost of production incurred by the Non-Party Club to comply with this Request.

Request No. 25:

All Documents and Communications between the Giants and the NFL regarding the funding of defense and settlement costs in the MDL Action.

Response:

The Non-Party Club objects to this Request because by seeking “[a]ll Documents and Communications between the Giants and the NFL . . .” it seeks documents that may reasonably be expected to be in the custody of the NFL, which is a party to the Action. Plaintiffs should exhaust their discovery efforts with respect to the defendants and any other more convenient and

less burdensome sources before they attempt to shift the burden to the Non-Party Club. Indeed, Plaintiffs have propounded discovery requests to defendants in this Action that purportedly cover the scope of this Request.

The Non-Party Club further objects to this Request to the extent it calls for documents that are protected from disclosure by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege, protection, immunity, law, rule or regulation.

On these grounds, the Non-Party Club will not produce documents responsive to this Request. However, if compliance is required, Plaintiffs should bear the cost of production incurred by the Non-Party Club to comply with this Request.

Request No. 26:

All Documents and Communications showing payment of defense and settlement costs in the MDL Action, or reimbursement of such costs to the NFL, including but not limited to copies of invoices and payment documentation.

Response:

The Non-Party Club objects to this Request to the extent it seeks documents that may reasonably be expected to be in the custody of the NFL, which is a party to the Action. Plaintiffs should exhaust their discovery efforts with respect to the defendants and any other more convenient and less burdensome sources before they attempt to shift the burden to the Non-Party Club. Indeed, Plaintiffs have propounded discovery requests to defendants in this Action that purportedly cover the scope of this Request.

The Non-Party Club further objects to this Request to the extent it seeks information in the possession of the Non-Party Club, but not in the possession of the NFL, because such information is not reasonably related to claims or defenses asserted in this Action. To the extent this Request seeks such information, it amounts to nothing more than a fishing expedition designed to harass and impose significant expense and burden on a non-party.

The Non-Party Club further objects to this Request to the extent it calls for documents that are protected from disclosure by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege, protection, immunity, law, rule or regulation.

On these grounds, the Non-Party Club will not produce documents responsive to this Request. However, if compliance is required, Plaintiffs should bear the cost of production incurred by the Non-Party Club to comply with this Request.

Request No. 27:

All Documents and Communications seeking or memorializing the Giants' approval of the class action settlement entered into in the MDL Action.

Response:

The Non-Party Club objects to this Request to the extent it seeks documents that may reasonably be expected to be in the custody of the NFL, which is a party to the Action. Plaintiffs should exhaust their discovery efforts with respect to the defendants and any other more convenient and less burdensome sources before they attempt to shift the burden to the Non-Party Club. Indeed, Plaintiffs have propounded discovery requests to defendants in this Action that purportedly cover the scope of this Request.

The Non-Party Club further objects to this Request to the extent it seeks information in the possession of the Non-Party Club, but not in the possession of the NFL, because such information is not reasonably related to claims or defenses asserted in this Action. To the extent this Request seeks such information, it amounts to nothing more than a fishing expedition designed to harass and impose significant expense and burden on a non-party.

The Non-Party Club further objects to this Request to the extent it calls for documents that are protected from disclosure by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege, protection, immunity, law, rule or regulation.

On these grounds, the Non-Party Club will not produce documents responsive to this Request. However, if compliance is required, Plaintiffs should bear the cost of production incurred by the Non-Party Club to comply with this Request.

Request No. 28:

All Documents and Communications relating to the corporate relationship between the Giants and the NFL.

Response:

The Non-Party Club objects to this Request because by seeking “[a]ll Documents and Communications relating to the corporate relationship between the Giants and the NFL,” it seeks documents that may reasonably be expected to be in the custody of the NFL, which is a party to the Action. Plaintiffs should exhaust their discovery efforts with respect to the defendants and any other more convenient and less burdensome sources before they attempt to shift the burden to the Non-Party Club. Indeed, Plaintiffs have propounded discovery requests to defendants in this Action that purportedly cover the scope of this Request.

The Non-Party Club further objects to this Request to the extent it seeks information in the possession of the Non-Party Club, but not in the possession of the NFL, because such information is not reasonably related to claims or defenses asserted in this Action. To the extent this Request seeks such information, it amounts to nothing more than a fishing expedition designed to harass and impose significant expense and burden on a non-party.

The Non-Party Club further objects to this Request to the extent it calls for documents that are protected from disclosure by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege, protection, immunity, law, rule or regulation.

On these grounds, the Non-Party Club will not produce documents responsive to this Request. However, if compliance is required, Plaintiffs should bear the cost of production incurred by the Non-Party Club to comply with this Request.

Request No. 29:

All Documents and Communications related to any indemnity agreements between the Giants and the NFL, including Section 3.11(c) of the Constitution and Bylaws of the National Football League.

Response:

The Non-Party Club objects to this Request as overbroad and unduly burdensome in seeking “[a]ll Documents and Communications related . . .” without any reasonable limitation on scope and without any temporal limitation whatsoever. As the term “indemnity agreements” is undefined and not limited in any way, this Request fails to articulate with any specificity the information sought by this Request and fails to reflect that Plaintiffs have taken reasonable steps to limit the expense and burden of a non-party.

The Non-Party Club further objects to this Request because by seeking “[a]ll Documents and Communications related to any indemnity agreements between the Giants and the NFL,” it seeks documents that may reasonably be expected to be in the custody of the NFL, which is a party to the Action. Plaintiffs should exhaust their discovery efforts with respect to the defendants and any other more convenient and less burdensome sources before they attempt to shift the burden to the Non-Party Club. Indeed, Plaintiffs have propounded discovery requests to defendants in this Action that purportedly cover the scope of this Request.

The Non-Party Club further objects to this Request to the extent it seeks information in the possession of the Non-Party Club, but not in the possession of the NFL, because such information is not reasonably related to claims or defenses asserted in this Action. To the extent

this Request seeks such information, it amounts to nothing more than a fishing expedition designed to harass and impose significant expense and burden on a non-party.

The Non-Party Club further objects to this Request to the extent it calls for documents that are protected from disclosure by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege, protection, immunity, law, rule or regulation.

On these grounds, the Non-Party Club responds that Section 3.11(c) of the Constitution and Bylaws of the National Football League is publicly available and speaks for itself and the Non-Party Club will not produce any additional documents responsive to this Request.

However, if compliance is required, Plaintiffs should bear the cost of production incurred by the Non-Party Club to comply with this Request.

Request No. 30:

All Documents and Communications related to any indemnity agreements between the Giants and any equipment manufacturers, including but not limited to, helmet manufacturers.

Response:

The Non-Party Club objects to this Request as overbroad and unduly burdensome in seeking “[a]ll Documents and Communications . . .” without any reasonable limitation on scope and without any temporal limitation whatsoever. As the terms “indemnity agreements” and “equipment manufacturers” are undefined and not limited in any way, this Request fails to articulate with any specificity the information sought by this Request and fails to reflect that Plaintiffs have taken reasonable steps to limit the expense and burden of a non-party.

The Non-Party Club further objects to this Request to the extent it seeks information in the possession of the Non-Party Club, but not in the possession of the NFL, because such information is not reasonably related to claims or defenses asserted in this Action. To the extent

this Request seeks such information, it amounts to nothing more than a fishing expedition designed to harass and impose significant expense and burden on a non-party.

The Non-Party Club further objects to this Request to the extent it calls for documents that are protected from disclosure by the attorney-client privilege, the attorney work product doctrine, or any other applicable privilege, protection, immunity, law, rule or regulation.

On these grounds, the Non-Party Club will not produce documents responsive to this Request. However, if compliance is required, Plaintiffs should bear the cost of production incurred by the Non-Party Club to comply with this Request.

Request No. 31:

All Documents and Communications relating to ProCap.

Response:

The Non-Party Club objects to this Request as overbroad and unduly burdensome in seeking “[a]ll Documents and Communications . . .” without any reasonable limitation on scope and without any temporal limitation whatsoever. This Request fails to reflect that Plaintiffs have taken reasonable steps to limit the expense and burden of a non-party.

The Non-Party Club further objects to this Request on the ground that the term “ProCap” is undefined, vague and ambiguous.

The Non-Party Club further objects to this Request to the extent it seeks information in the possession of the Non-Party Club, but not in the possession of the NFL, because such information is not reasonably related to claims or defenses asserted in this Action. In addition, the subject matter of this request is not reasonably related to claims or defenses asserted in this Action. Thus, this Request amounts to nothing more than a fishing expedition designed to harass and impose significant expense and burden on a non-party.

On these grounds, the Non-Party Club will not produce documents responsive to this Request. However, if compliance is required, Plaintiffs should bear the cost of production incurred by the Non-Party Club to comply with this Request.

Request No. 32:

All Documents and Communications relating to the book *League of Denial*.

Response:

The Non-Party Club objects to this Request as overbroad and unduly burdensome in seeking “[a]ll Documents and Communications . . .” without any reasonable limitation on scope and without any temporal limitation whatsoever. This Request fails to reflect that Plaintiffs have taken reasonable steps to limit the expense and burden of a non-party.

The Non-Party Club further objects to this Request to the extent it seeks information in the possession of the Non-Party Club, but not in the possession of the NFL, because such information is not reasonably related to claims or defenses asserted in this Action. In addition, the subject matter of this request is not reasonably related to claims or defenses asserted in this Action and appears solely designed to harass and inflict financial burden on the Non-Party Club and enable Plaintiffs to engage in a fishing expedition into the Non-Party Club’s files in the hopes of discovering information, to the extent it exists, to use against the NFL in this Action.

On these grounds, the Non-Party Club will not produce documents responsive to this Request. However, if compliance is required, Plaintiffs should bear the cost of production incurred by the Non-Party Club to comply with this Request.

Request No. 33:

All Documents and Communications relating to the movie *Concussion*.

Response:

The Non-Party Club objects to this Request as overbroad and unduly burdensome in seeking “[a]ll Documents and Communications . . .” without any reasonable limitation on scope and without any temporal limitation whatsoever. This Request fails to reflect that Plaintiffs have taken reasonable steps to limit the expense and burden of a non-party.

The Non-Party Club further objects to this Request to the extent it seeks information in the possession of the Non-Party Club, but not in the possession of the NFL, because such information is not reasonably related to claims or defenses asserted in this Action. In addition, the subject matter of this request is not reasonably related to claims or defenses asserted in this Action and appears solely designed to harass and inflict financial burden on the Non-Party Club and enable Plaintiffs to engage in a fishing expedition into the Non-Party Club’s files in the hopes of discovering information, to the extent it exists, to use against the NFL in this Action.

On these grounds, the Non-Party Club will not produce documents responsive to this Request. However, if compliance is required, Plaintiffs should bear the cost of production incurred by the Non-Party Club to comply with this Request.

Dated: November 15, 2017

Respectfully submitted,

By: */s/ John E. Failla*

PROSKAUER ROSE LLP

John E. Failla

Seth B. Schafler

Alyse F. Stach

11 Times Square

New York, NY 10036

Tel: (212) 969-3315

Fax: (212) 969-2900

*Counsel for Non-Party Club New York Football
Giants, Inc.*